IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8973 of 1999
with
CIVIL APPLICATION No. 5685 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAHLADBHAI VASTARAM PATEL

Versus

MEHSANA GOVERNMENT SUPPLY COOPERATIVE SOCIETY LIMITED

Appearance:
MR RC JANI for Petitioner
MR PK JANI for Respondent No. 1
MS RV ACHARYA, AGP for Respondent Nos. 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 19/07/2000

ORAL JUDGEMENT

The learned counsel for the petitioner seeks leave to withdraw the petition. However, he further prays that respondent No.1-Cooperative Society may be directed to return the petitioner's goods lying in the

canteen in question.

2. Mr PK Jani, learned counsel for respondent No.1-Cooperative Society disputes the above statement and further submits that the petitioner owes a sum of more than Rs.1,35,00,000/- to respondent No. 1 and that the petitioner is bound to pay the said amount to respondent No. 1.

3. In view of the fact that the petition is being withdrawn in so far as the prayer about possession of the canteen premises is concerned, this Court is not required to look into the controversy about the goods or about the arrears of licence fees payable in respect of the canteen premises. Whatever disputes are there between the parties, it is open to the parties to approach the appropriate forum.

4. The petition is permitted to be withdrawn and accordingly stands withdrawn. Rule is discharged with no order as to costs.

As per the order dated 12.7.2000 passed in Civil Application No. 5685/2000, the ad-interim relief which was earlier granted on 28.6.2000 is already suspended. In view of the disposal of the petition, the ad-interim order dated 28.6.2000 does not survive and is hereby vacated.

5. Since the main petition is disposed of, the Civil Application does not survive and is accordingly disposed of.

July 19, 2000 (M.S. Shah, J.)
sundar/-